

Digest
of
United States Practice
in
International Law
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11. *Declares* that so-called internal settlement null and void, in conformity with Security Council Resolution 423 (1978);

12. *Declares* as illegal any internal settlement under the auspices of the illegal regime and calls upon all states not to accord any recognition to such settlement.

As to pt. B, the language which the United States was unable to approve was operative par. 9, reading:

9. *Deems* it imperative that the scope of sanctions against the illegal régime be widened to include all the measures envisaged under Article 41 of the Charter and reiterates its request that the Security Council consider taking the necessary measures in that regard as a matter of urgency.

§ 2 Continuity and Succession of States

§ 3 Diplomatic Relations and Recognition

Diplomatic Relations; Recognition and Nonrecognition of Governments

General

The Foreign Relations Authorization Act, Fiscal Year 1979 (Public Law 95-426; 92 Stat. 963), approved by President Carter on October 7, 1978, contains under Title VI, Policy Provisions, the following congressional finding:

CONDUCT OF DIPLOMATIC RELATIONS

Sec. 607. The Congress finds that the conduct of diplomatic relations with a foreign government has as its principal purpose the discussion and negotiation with that government of outstanding issues and, like the recognition of a foreign government, does not in itself imply approval of that government or of the political-economic system it represents.

Democratic Republic of Afghanistan

On April 27, 1978, the Government of Afghanistan was overthrown in a coup and power was assumed by a Revolutionary Council.

By a note to all the diplomatic missions in Kabul, April 30, 1978, the Ministry of Foreign Affairs of the Democratic Republic of Afghanistan provided details of the new Government; it also requested them to pass the information to their governments, to obtain recognition of the Democratic Republic of Afghanistan, and to inform the Ministry of Foreign Affairs thereof. The operative portion of the reply of the American Embassy at Kabul, by its note No. 92, May 6, 1978, reads:

* * *

The Government of the United States of America assumes that the Government of the Democratic Republic of Afghanistan will continue to honor and support the existing treaties and international

agreements in force between our two States. On that assumption, it is the intention of the Government of the United States of America to maintain diplomatic relations with the Government of the Democratic Republic of Afghanistan.

The Ambassador of the United States of America hopes that it will be possible, at an early opportunity, to receive briefings on the policies and plans of the Government of the Democratic Republic of Afghanistan.

In reply to press inquiries on the question of recognition, the Department of State's Spokesman, Hodding Carter III, stated, on May 1, 1978:

As you know, the question of recognition under the formulation of the last few years doesn't arise per se. . . .

* * *

The important question is not recognition. The question is whether diplomatic relations continue

Dept. of State News Briefing, DPC 81, May 1, 1978, pp. 12-13.

In its instructions to the American Embassy at Kabul, the Department of State had referred to existing guidance upon the subject of recognition, incorporating Senate Resolution 205, agreed to September 25, 1969, which reads:

RESOLUTION To set forth as an expression of the sense of the Senate a basic principle regarding the recognition by the United States of governments.

Whereas official statements over the last fifty years concerning the policy of the United States in granting or withholding recognition of a foreign government have given rise to uncertainty as to whether United States recognition of a foreign government implies approval of such a government; and

Whereas recognition by the United States of foreign governments has been interpreted by many Americans and by many foreigners as implying United States approval of those foreign governments; and

Whereas such uncertainty adversely affects the interests of the United States in its relations with foreign nations: Now, therefore, be it

Resolved, That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government.

House Committee on International Relations and Senate Committee on Foreign Relations, 95th Cong., 2d sess., *Legislation on Foreign Relations Through 1977*, Vol. I (1978), p. 673; *Cong. Rec.*, Vol. 115, Pt. 20, p. 27118 (1969). See, further, S. Rept. 338, 91st Cong., 1st sess. (1969).

The Dept. of State's support for S. 205 had been made clear in excerpts from the testimony of George H. Aldrich, Acting Legal Adviser, quoted in the *Cong. Rec., ante*. The established position of the United States is that recognition of a foreign government does not imply approval of that government's domestic policies or the means by which it came to power.

Angola

Following his address before the 58th annual meeting of the United States Jaycees in Atlantic City on June 20, 1978, Secretary of State Cyrus R. Vance held a question-and-answer session, in which he was asked, among other things:

I would like to know how you can advocate political or diplomatic recognition of Angola when the situation there is still not decided. Who is in control? Militarily, the Communists with Cuban support are in control, but yet there is a very vital rebel force that still has not been controlled in the rural areas by the government. Who do we know is in charge?

The Secretary's reply related United States relationships with Angola to United States goals of achieving peace and stability in the area, particularly for Angola's neighbors, Zaire and Namibia. He said:

Let me say that I did not recommend diplomatic recognition. What I said was that I believed it could be useful and fruitful to deal in a more normal way with Angola in order to see whether or not we could make progress on the problems of the border conditions between Angola and Zaire and also to make more progress in connection with the Namibian problem.

Namibia has very close relations or the black people of Namibia—the South West Africa People's Organization (SWAPO) is probably one of the leading groups there—have very close relations with the Government of Angola. The Government of Angola may be able to be helpful in persuading the people of SWAPO to agree to the remaining items which are not yet resolved, and this could be very helpful in bringing about a solution to the Namibian problem. It would seem that it would be in the interests of Angola to bring this about because this would then remove the South African presence from the border of Angola.

Therefore, it would seem to be an area in which progress might be made which would be useful both to Angola and useful in bringing about a solution to the problem of Namibia and its peaceful resolution.

Insofar as the border problem is concerned in the north, as I indicated earlier I think that if there is to be a solution to the border problem there has to be a resolution, an agreement of the parties between Angola and Zaire in order to bring this about. And if we, by talking to the Government of Angola, can help to bring this to fruition, we will, I think, help to move forward toward more peace and stability in the area.